

An employer may make a deduction from wages to cover the cost of a uniform, or other clothing requirements if the employee has signed a specific written authorization permitting the deduction and setting out its amount.

However, a dress code can't violate a collective agreement at the workplace, the Ontario *Human Rights Code* or the rules under the *Occupational Health and Safety Act*.

Are employees entitled to discounts on their employers' products?

This isn't covered by the *ESA*. The employer is responsible for deciding whether employees get a discount on products the employer makes or sells, or on services the employer provides. The employer is also the one who determines how much the discount will be.

What about employment insurance and records of employment?

These come under the jurisdiction of the federal government. See the blue pages of your telephone book under "Employment, Human Resources Development Canada, Employment Insurance Telemessage."

What are the rules about sexual harassment, harassment and discrimination?

For information, call your local Ontario Human Rights Commission office. See the Blue Pages of your telephone book under "Human Rights, Ontario Human Rights Commission."

Are pensions covered by the *ESA*?

The *ESA* does not require employers to provide pension plans. However, if they do, they are required to allow employees to continue participating in the plans (and certain other benefit plans, if these are provided) when on pregnancy, parental, emergency leave or family medical leave under the Act. In addition, the *ESA* does not allow employers to discriminate on the basis of age, sex, marital status or same-sex partnership status in the provision of benefit plans, including pension plans, unless this is allowed by the Benefit Plans regulation under the *ESA*. For other information, call the Financial Services Commission 416-250-7250 or toll-free 1-800-668-0128.

What if the employer does not follow the *ESA*?

If an employee thinks the employer is not complying with the *ESA*, he or she can call or visit the nearest Ministry of Labour office to discuss a particular situation or to file a complaint. Complaints are investigated by an employment standards officer who can, if necessary, make orders against an employer—including an order to comply with the *ESA*.

This Fact Sheet provides answers to frequently asked questions about minimum terms and conditions of employment as set out in the *Employment Standards Act, 2000 (ESA)* and its regulations. For complete information please refer to the *ESA* and the regulations.

Need More Information?

If you have questions about the *Employment Standards Act*, call the Ontario Ministry of Labour's Employment Standards Information Centre at 416-326-7160 or 1-800-531-5551, or visit a Ministry of Labour office or Government Information Centre in person.

Here's how you can get written publications about the *Employment Standards Act*:

- Ministry of Labour website: www.gov.on.ca/lab
- Ministry of Labour Publications Sales unit: 1-800-809-4731

ESA Fact Sheets are available on the following subjects:

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| <input type="checkbox"/> Agricultural Workers | <input type="checkbox"/> Minimum Wage |
| <input type="checkbox"/> Domestic Workers | <input type="checkbox"/> Pregnancy Leave & Parental Leave |
| <input type="checkbox"/> Emergency Leave | <input type="checkbox"/> Public Holidays |
| <input type="checkbox"/> Family Medical Leave | <input type="checkbox"/> Retail Workers |
| <input type="checkbox"/> Frequently Asked Questions | <input type="checkbox"/> Role of the Ministry of Labour |
| <input type="checkbox"/> Homeworkers | <input type="checkbox"/> Termination of Employment & Severance Pay |
| <input type="checkbox"/> Hours of Work & Overtime | <input type="checkbox"/> Vacation |
| <input type="checkbox"/> How Are You Covered by the <i>ESA</i> ? | <input type="checkbox"/> What Young Workers Should Know |
| <input type="checkbox"/> How to File a Claim | |

*This Fact Sheet is provided for your information and convenience only. It is not a legal document. For further information and the exact wording in the *ESA*, please refer to the Employment Standards Act, 2000 (ESA) and regulations.*

Please call the Employment Standards Information Centre in the greater Toronto area at 416-326-7160, or toll-free outside Toronto at 1-800-531-5551.

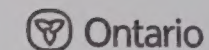
Information on the *ESA* can also be found at the *Employment Standards Act* section of the Ministry of Labour's website: www.gov.on.ca/lab. You can order copies of the *ESA* and related information materials, when they become available, from:

- the Ministry of Labour's Publication Sales Unit at 1-800-809-4731;
- the Ontario government E-Laws website at www.e-laws.gov.on.ca or,
- Publications Ontario, 1-800-668-9938; hearing impaired TTY 1-800-268-7095.

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FREQUENTLY ASKED QUESTIONS

What is the purpose of the *Employment Standards Act, 2000 (ESA)*?

The *ESA* sets out rights of employees and requirements that apply to employers in most Ontario workplaces.

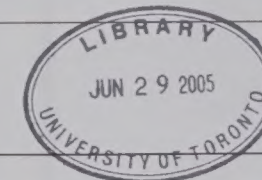
What work is not covered by the *ESA*?

Most employees and employers in Ontario are covered by the *ESA*. However, the *ESA* does **not** apply to certain individuals and persons or organizations for whom they may perform work, including:

- Employees in sectors that fall under federal jurisdiction, such as airlines, banks, the federal civil service, post offices, radio and television stations and inter-provincial railways
- Individuals performing work under a program approved by a college of applied arts and technology or university
- A secondary school student who performs work under a work experience program authorized by the school board that operates the school in which the student is enrolled
- People who do community participation under the *Ontario Works Act, 1997*
- Police officers (except for the Lie Detectors part of the *ESA*, which does apply)
- Inmates taking part in work or rehabilitation programs, or young offenders who perform work as part of a sentence or order of a court
- People who hold political, judicial, religious or elected trade union offices.

Employees of the Crown are excluded from some (but not all) provisions of the *ESA*.

For a complete listing of other work categories not governed by the *ESA*, please check the *ESA* and its regulations. Regulations set out exemptions to the law, special rules and details about how to apply certain sections of the *ESA*.



Are there rules in the *ESA* about wage increases?

The *ESA* does not address wage increases. It does provide for minimum wages. The minimum wage rates and scheduled increases are set out below:

Minimum Wage Increases for Specific Job Categories					
Minimum Wage Rate	January 1995	February 1, 2004	February 1, 2005	February 1, 2006	February 1, 2007
General Minimum Wage	\$6.85 per hour	\$7.15 per hour	\$7.45 per hour	\$7.75 per hour	\$8.00 per hour
Students under 18 and working not more than 28 hours per week or working on a school holiday	\$6.40 per hour	\$6.70 per hour	\$6.95 per hour	\$7.25 per hour	\$7.50 per hour
Liquor servers	\$5.95 per hour	\$6.20 per hour	\$6.50 per hour	\$6.75 per hour	\$6.95 per hour
Hunting and Fishing guides	\$34.25: paid this minimum rate for less than five consecutive hours in a day; \$68.50: for five or more hours in a day whether or not the hours are consecutive	\$35.75	\$37.25	\$38.75	\$40.00
		\$71.50	\$74.50	\$77.50	\$80.00
Homeworkers (people doing paid work in their home for an employer.) This rate applies to students of any age employed as homeworkers.	\$7.54 per hour	\$7.87 per hour	\$8.20 per hour	\$8.53 per hour	\$8.80 per hour
	110 per cent of the general minimum wage	110 per cent of the general minimum wage	110 per cent of the general minimum wage	110 per cent of the general minimum wage	110 per cent of the general minimum wage

Are sick leave and bereavement leave covered under the *ESA*?

Employees who work for employers that regularly employ at least 50 employees are entitled to emergency leave in certain situations.

Emergency leave is unpaid, job-protected leave of up to 10 days each year. It may be taken in the case of a personal illness, injury or medical emergency or a death, illness, injury, medical emergency of or urgent matter relating to certain relatives. (See the "Emergency Leave" Fact Sheet for more information.)

Family medical leave is unpaid, job-protected leave of up to eight (8) weeks in a 26 week period. Family medical leave may be taken to provide care and support to certain family members for whom a qualified health practitioner has issued a certificate stating that this family member has a serious illness with a significant risk of death occurring within a period of 26 weeks. (See the "Family Medical Leave" Fact Sheet for more information.)

Some employers have *paid* benefit plans for sickness, bereavement and other leaves of absence. These plans aren't required by the *ESA*.

Must employees produce a doctor's note if asked for one by their employer?

An employer is allowed to ask an employee to provide evidence that he or she is eligible for an emergency leave of absence. The employee is required to provide evidence that is reasonable in the circumstances.

If an employee is off sick, can he or she be fired?

If the sick day is an emergency leave day under the *ESA*, the employee cannot be penalized for taking the day off. Emergency leave days are job-protected under the Act.

Can employees take time off for doctor's appointments?

An employee whose employer regularly employs 50 or more employees is entitled to 10 emergency leave days per year. Emergency leave days can be used to attend a doctor's appointment if the appointment is because of an illness, injury or medical emergency. This leave is job-protected.

Do employees have to give notice to their employers when they quit their job?

The *ESA* does not address the issue of employees giving notice to the employer when they quit their job, except under the pregnancy and parental leave provisions, which require that employees give notice to their employer if they are not returning, and in cases where the employer is terminating the employment of 50 or more employees in a four-week period. Employees may be required to provide their employer with notice that they are quitting under other laws.

Can employees choose to take their employer to court for wrongful dismissal rather than filing a claim with the Ministry of Labour?

An employee can choose to sue an employer in a court of law for wrongful dismissal. However, an employee can't sue an employer for wrongful dismissal *and* have a claim for termination or severance pay investigated by the ministry for the same termination or severance. The employee must choose one procedure or the other. See the Fact Sheet "Termination of Employment & Severance Pay" for details.

What does the law say about coffee breaks?

An employee must not work for more than five hours in a row without getting a 30-minute eating period (meal break) free from work. The law does not require an employer to provide any breaks in addition to this eating period. However, if the employer does provide another type of a break, such as a coffee break, and the employee must remain at his or her workplace during the break, the employee must be paid at least the minimum wage for that time.

If an employee works late, is the employer required to provide a ride home?

Employers have no obligation to provide transportation to or from work under the *ESA*, although individual contracts of employment or a collective agreement may require it.

Do employers have the right to schedule an employee to work an overnight shift alone?

The *ESA* does not put restrictions on the timing of an employee's shift, other than the restrictions relating to hours of work (i.e., the maximum length of a work day, certain hours employees are entitled to be free of work, eating periods).

Do employees get paid more for working Sundays, or for working late at night?

There is nothing in the *ESA* that requires employees to be paid more for working Sundays, or late at night.

What if an employee has an agreement to receive more than the minimum requirements set out in the *ESA*?

If a provision in an agreement provides a greater right or benefit than an employment standard, then that provision applies.

Can an employee agree not to receive his or her rights under the *ESA*?

No employee can agree to give up his or her rights under the *ESA* (for example, the right to emergency leave). Any such agreement is invalid.

What are the rules about dress codes?

The employer is responsible for making decisions about dress codes, uniforms and other clothing requirements.